

Before the
Federal Communications Commission
Washington, D.C. 20554

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OCT 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of the)
Telecommunications Act of 1996:)
)
Telecommunications Carriers' Use)
of Customer Proprietary Network)
Information and Other)
Customer Information)

CC Docket No. 96-115

DOCKET FILE COPY ORIGINAL

ATSI Motion to Deny BellSouth's Motion to Strike ATSI's Comments

By letter dated August 26, 1996, ATSI submitted comments for late-filing in this proceeding FCC 96-221, CC Docket No. 96-115. In that submission, however, ATSI failed to designate the comments "ex parte" in its letter and failed to label its comments "ex parte" as required by Section 1.1206 of the Commission's Rules. ATSI's letter dated August 26, 1996 and its comments filed August 26, 1996 have been included in CC Docket No. 96-115.

ATSI filed its comments pursuant to paragraphs 60 through 62 of the NPRM for this proceeding, and by so doing there was no attempt and no opportunity on the part of ATSI to conceal its communication with the Commission from other parties to this proceeding. It was the intention of ATSI that the comments be properly filed as required by the Commission's Rules.

Consistent with its practice in other proceedings involving implementation of the Telecommunications Act of 1996, ATSI did not serve parties to this proceeding with its comments.

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On September 27, 1996 BellSouth Corporation submitted a motion to strike ATSI's comments from the record in this proceeding, and simultaneously submitted reply comments to ATSI's comments. Both have been included in CC Docket No. 96-115.

ATSI has filed on this 29th day of October, 1996, Ex Parte Comments pursuant to Section 1.1206 of the Commission's Rules for inclusion in this proceeding and has provided copies of these comments to parties to this proceeding by first class U.S. mail, postage prepaid.

No substantive textual changes have been made to the comments originally filed on August 26, 1996. Only the designation of the comments as "Ex Parte Comments" on the cover page and page one and the "Ex Parte Comments" designation and the change of filing date to October 29, 1996 at the top of pages one through ten differ from the original filing.

ATSI's action this 29th day of October, 1996, renders moot BellSouth's motion to strike ATSI's comments. Nothing in the Commission's Rules prevents ATSI from submitting its Ex Parte Comments and no harm relating to the failure to properly designate the original filing as "ex parte" has been demonstrated by BellSouth that would cause the Commission to reject ATSI's efforts to properly file its Ex Parte Comments. The Commission should deny BellSouth's motion to strike ATSI's comments from the record in this proceeding.

ATSI makes no objection to BellSouth's alternative Motion for Leave to File Responsive Pleading or to the inclusion of BellSouth's reply to ATSI's comments in this proceeding.

Respectfully submitted,

ASSOCIATION OF TELEMESSAGING
SERVICES INTERNATIONAL (ATSI)

By: 


Frank Moore
Smith, Bucklin & Associates, Inc.
Government Affairs Division
1200 19th Street, N.W.
Washington, D.C. 20036
(202) 429-5100

Its Regulatory Counsel

Herta Tucker
Executive Vice President
Association of Telemessaging Services International
1200 19th Street, N.W.
Washington, D.C. 20036
(202) 429-5151

Certificate of Service

I hereby certify that I have this 29th day of October, 1996, served the parties on the attached list with a copy of the foregoing **ATSI Motion to Deny BellSouth's Motion to Strike ATSI's Comments** by placing a true and correct copy of the same in the U.S. mail, first class, postage prepaid.

A handwritten signature in cursive script, reading "Herta Tucker", written over a horizontal line.

Herta Tucker

Cincinnati Bell Telephone Company
Frost & Jacobs
Thomas E. Taylor
Jack B. Harrison
2500 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

Durward D. Dupre
Michael J. Zpevak
Robert J. Gryzmala
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

James D. Ellis
Robert M. Lynch
David F. Brown
SBC Communications Inc.
175 E. Houston, Room 1254
San Antonio, TX 78205

NYNEX Telephone Companies
Saul Fisher
Thomas J. Farrelly
1095 Avenue of the Americas
New York, NY 10036

Lawrence W. Katz
Bell Atlantic Telephone Companies
1320 North Courthouse Road
Eighth Floor
Arlington, VA 22201

Ameritech
Alan N. Baker
Michael S. Pabian
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

Virgin Islands Telephone Corporation
Reed Smith Shaw & McClay
Jonathan E. Canis
1301 K Street, NW
Suite 1100 - East Tower
Washington, DC 20005

Sprint Corporation
Jay C. Keithley
Leon M. Kestenbaum
Norina T. Moy
1850 M Street, NW
Suite 1110
Washington, DC 20036

Craig T. Smith
Sprint Corporation
PO Box 11315
Kansas City, Missouri 64112

US West, Inc.
Kathryn Marie Krause
Suite 700
1020 19th Street, NW
Washington, DC 20036

ALLTEL Corporate Services, Inc.
Glenn S. Rabin
655 15th Street, NW
Suite 200
Washington, DC 20005

Pacific Telesis Group
Lucille M. Mates
Sarah R. Thomas
Patricia L. C. Mahoney
140 New Montgomery Street
Room 1522 A
San Francisco, CA 94105

GTE Service Corporation
Richard McKenna
600 Hidden Ridge
Irving, TX 75015

National Association of Regulatory Utility
Commissioners
Paul Rodgers
Charles D. Gray
James Bradford Ramsay
1201 Constitution Avenue, Suite 1102
Post Office Box 684
Washington, DC 20044

Assemblyman Anthony J. Genovesi
Legislative Office Building
Room 456
Albany, NY 12248-0001

GTE Service Corporation
David J. Gudino
1850 M Street, NW
Suite 1200
Washington, DC 20036

Pacific Telesis Group
Margaret E. Garber
1275 Pennsylvania Avenue, NW
Washington, DC 20004

Frontier Corporation
Michael J. Shortley, III
180 South Clinton Ave
Rochester, NY 14646

United States Telephone Association
Mary McDermott
Linda Kent
Charles D. Cosson
Keith Townsend
1401 H Street, NW, Suite 600
Washington, DC 20005

People of the State of California and the Public Utilities
Commission of the State of California
Peter Arth, Jr.
Edward W. O'Neill
Mary Mack Adu
505 Van Ness Avenue
San Francisco, CA 94102

Public Utility Commission of Texas
Jackie Follis
Senior Policy Analyst
Office of Regulatory Affairs
7800 Shoal Creek Boulevard
Austin , TX 78757-1098

Yellow Pages Publishers Association
Halprin, Temple, Goodman and Sugrue
Albert Halprin
Joel Bernstein
1100 New York Avenue, NW
Suite 650E
Washington, DC 20005

Small Business in Telecommunications
Brown and Schwaninger
Dennis C. Brown
1835 K Street, NW
Suite 650
Washington, DC 20006

The Alarm Industry Communication Committee
Kelley Drye & Warren, LLP
Danny E. Adams
Steven A. Augustino
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Pennsylvania Office of Consumer Advocate
Philip F. McClelland
Irwin A. Popowsky
Office of Attorney General
1425 Strawberry Square
Harrisburg, PA 17120

American Public Communications Council
Dickstein, Shapiro & Morin, LLP
Albert H. Kramer
Robert F. Aldrich
2101 L Street, NW
Washington, DC 20554

Association of Directory Publishers
Theodore Case Whitehouse
Michael F. Finn
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036

Consumer Federation of America
Bradley Stillman, Esq.
1424 16th Street, NW
Suite 604
Washington, DC 20036

Compu Serve Incorporated
5000 Arlington Centre Boulevard
PO Box 20212
Columbus, OH 43220

CompuServe Incorporated
Sutherland, Asbill & Brennan
Randolph J. May
Bonding Yee
1275 Pennsylvania Avenue, NW
Washington, DC 20004-2404

Personal Communications Industry Association
Mark J. Golden
Vice President of Industry Affairs
500 Montgomery Street
Suite 700
Alexandria, VA 22314-1561

AirTouch Communications, Inc.
Pamela Riley
One California Street
San Francisco, CA 94111

Paging Network, Inc.
Reed Smith Shaw & McClay
Judith St. Ledger-Roty
Lee A. Rau
1301 K Street, NW
Suite 1100 - East Tower
Washington, Dc 20005

America's Carrier's Telecommunication Association
Helein & Association, PC
Charles H. Helein
8180 Greensboro Drive
Suite 700
McLean, VA 22102

Information Technology Association of America
Squire, Sanders & Dempsey
Joseph P Markoski
Marc Berejka
1201 Pennsylvania Avenue, NW
PO Box 407
Washington, DC 20044

AirTouch Communications, Inc.
David A. Gross
Kathleen Q. Abernathy
1818 N Street, NW
Suite 800
Washington, DC 20036

Arch Communications Group, Inc.
Paul, Hastings, Janofsky, & Walker
Carl W. Northrop
Christine M. Crowe
1299 Pennsylvania Avenue, NW
10th Floor
Washington, DC 20004-2400

Cable & Wireless, Inc
Ann P. Morton, Esq
8219 Leesburg Pike
Vienna, VA 22182

MCI Telecommunications Corporation
Frank W. Krogh
Donald J. Elardo
1801 Pennsylvania Avenue, NW
Washington, DC 20006

Excel Telecommunications, Inc.
J. Christopher Dance
Vice President, Legal Affairs
Kerry Tassopoulos
Director of Government Affairs
9330 LBJ Freeway, Suite 1220
Dallas, TX 75243

AT&T Corp.
Mark C. Rosenblum
Leonard J. Cali
Judy Sello
Room 3244J1
295 North Maple Avenue
Basking Ridge, NJ 07920

The Competitive Telecommunications Association
Genevieve Morelli
Vice President and General Counsel
1140 Connecticut Avenue, NW
Suite 220
Washington, DC 20036

Excel Communications, Inc.
Law Offices of Thomas K. Crowe, PC
Thomas K. Crowe
2300 M Street, NW
Suite 800
Washington, DC 20037

The Competitive Telecommunications Association
Kelley Drye & Warren LLP
Danny E Adams
Steven A. Augustino
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Telecommunications Resellers Association
Hunter & Mow, PC
Charles C. Hunter
1620 I Street, NW
Suite 701
Washington, DC 20006

WORLDCOM, Inc.
d/b/a LDDS WorldCom
Catherine R. Sloan
Richerad L. Fruchterman
Richard S. Whitt
1120 Connecticut Ave, NW
Suite 400
Washington, DC 20036

Intelcom Group (USA), Inc.
Cindy Z. Schonhaut
Vice President, Government Affairs
9605 East Maroon Circle
Englewood, CO 80112

IntelCom Group (USA), Inc.
Dickstein, Shapiro & Morin, LLP
Albert H. Kramer
Robert F. Aldrich
2101 L Street, NW
Washington, DC 20554

Teleport Communications Group, Inc.
Teresa Marrero
Senior Regulatory Counsel
One Teleport Drive
Suite 300
Staten Island, NY 10310

MFS Communications Company, Inc.
David N. Porter
Vice President, Government Affairs
3000 K Street, NW
Suite 300
Washington, DC 20007

MFS Communications Company, Inc.
Swidler & Berlin, Chartered
Andrew D. Lipman
Mark Sievers
3000 K Street, NW
Suite 300
Washington, DC 20007